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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/781,237 | 02/18/2004 | Yasuhito Miyata | 79950 | 2356 |
| 22242 | 7590 | 05/05/2006 | EXAMINER | |
| FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406 | | | WILHELM, TIMOTHY | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3616 | |

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|---|--|
| Office Action Summary | Application No. 10/781,237 | Applicant(s) MIYATA, YASUHIRO | |
| | Examiner Timothy D. Wilhelm | Art Unit 3616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-20 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3-12-2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,2,4-7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujimura (6,250,677). Fujimura discloses an airbag device 10 for a vehicle, the airbag device comprising an airbag 14 having an interior that is inflated during airbag deployment; and an elongate securing member 42 that includes a portion extending in the interior of the airbag 14 for securing the airbag 14 to the vehicle. The airbag 14 includes a throughhole through which the elongate securing member 42 extends. With regard to claim 4, the elongate member 42 of Fujimura is a single elongate member. Elongate member 42 is capable of being stretched, and thus made of flexible material.

Elongate member 42 also includes a pair of ends, one end being a triangular shaped end portion connected to the airbag interior surface.

3. Claims 1-6, 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kosugi et al (JP 2001301555 A). With respect to Fig. 4, Kosugi et al disclose an airbag device for a vehicle, the airbag device comprising an airbag 20 having an interior that is inflated during airbag deployment; and an elongate securing member 22 that includes a portion extending in the interior of the airbag 20 for securing the airbag 20 to the vehicle. Regarding claims 2,3, and 10, the airbag 20 includes a pair of vent holes 21 through which the elongate securing member 22 extends. With regard to claim 4, the elongate member 22 of Kosugi et al is a single elongate member. Elongate member 22 is flexible and includes a pair of ends connected to the interior surface of the airbag 20. With regard to claim 11, the airbag 20 includes a plurality of guide members 23 on the airbag interior surface and through which the pair of ends are guided along the airbag interior surface.

4. Claims 1-5, 9,11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hawthorn et al (6,932,385). Hawthorn et al disclose an airbag device for a vehicle 10, the airbag device comprising an airbag 20 having an interior that is inflated during airbag deployment, and an elongate securing member 31,71 that includes a portion extending in the interior of the airbag 20 for securing the airbag 20 to the vehicle 10. The airbag 20 includes a vent hole 62 that allows gas to escape from the interior of the airbag 20 during airbag deployment and through which the elongate securing member 31,71 extends (Fig. 8A discloses the elongate member, here 271, extending

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through vent hole 262). With regard to claim 4, the elongate member 31,71 is a single elongate member. Elongate member 31,71 is made of flexible material and includes a pair of ends. Regarding claim 11, the airbag device includes a plurality of guide members 73 on the airbag interior surface and through which the pair of ends of elongate member 31,71 are guided. With regard to claim 12, as seen in Fig. 10, Hawthorn et al further disclose a fastener 32 for connecting the elongate securing member 31,71 to the vehicle, via the airbag housing, and including an insertion portion defining a gap spacing having a predetermined height greater than the predetermined thickness of the securing member material to allow the securing member 31,71 to freely extend through the insertion portion via the gap spacing thereof.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,2,4-7,9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al (5,967,545) in view of the teachings of Fujimura. Iijima et al disclose an airbag device for a motorcycle stored substantially centrally in the fore and aft direction along the motorcycle, the airbag device comprising an air bag having an interior that is inflated during deployment. Iijima et al disclose the present invention except for a single elongate member that includes a portion extending in the interior of the airbag for securing the airbag to the vehicle. Fujimura teaches an airbag device 10

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for a vehicle, the airbag device comprising an airbag 14 having an interior that is inflated during airbag deployment; and an elongate securing member 42 that includes a portion extending in the interior of the airbag 14 for securing the airbag 14 to the vehicle. The airbag 14 includes a throughhole through which the elongate securing member 42 extends. With regard to claim 4, the elongate member 42 of Fujimura is a single elongate member. Elongate member 42 is capable of being stretched, and thus made of flexible material. Elongate member 42 also includes a pair of ends, one end being a triangular shaped end portion connected to the airbag interior surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching of the elongate securing member of Fujimura with the motorcycle airbag device of Iijima et al to effectively control the deployment of the airbag.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al and Fujimura as applied to claim 13 above, and further in view of Orsulak et al (5,636,861). Iijima et al and Fujimura disclose the present invention except for an accordion-fold portion of the airbag and a roll-fold portion of the airbag prior to air bag deployment and the elongate securing member portion extending in the interior of the roll-fold portion. Orsulak et al disclose an air bag module in which the airbag includes an accordion-fold portion and a roll-fold portion. It would have been obvious to one of ordinary skill in the art at the time of the invention to have folded the airbag system of Iijima et al and Fujimura into an accordion-fold portion and a roll-fold portion, in which the elongate member 42 of Fujimura would inevitably extend in the interior of the roll-fold portion, in order to facilitate smooth deployment of the airbag 14.

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8. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima in view of Fujimura. Iijima et al disclose an airbag device for a motorcycle stored substantially centrally in the fore and aft direction along the motorcycle in an area generally between the legs of the rider, the airbag device comprising an air bag having an interior that is inflated during deployment. Iijima et al disclose the present invention except for an elongate securing member that includes a portion extending in the interior of the airbag for securing the airbag to the vehicle. Fujimura teaches an airbag device 10 for a vehicle, the airbag device comprising an airbag 14 having an interior that is inflated during airbag deployment; and an elongate securing member 42 that includes a portion extending in the interior of the airbag 14 for securing the airbag 14 to the vehicle. Elongate member 42 includes a triangular shaped end portion connected to the airbag interior surface to resist side-to-side swinging of the airbag 14 during deployment. With regard to claim 18, elongate member 42 includes a pair of ends secured to the airbag at vertically spaced positions to restrict vertical movement of the airbag 14. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching of the elongate securing member of Fujimura with the motorcycle airbag device of Iijima et al to effectively control the deployment of the airbag.

9. Claims 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al and Fujimura as applied to claim 13 above, and further in view of Orsulak et al. Iijima et al in view of Fujimura disclose a motorcycle with an airbag device, the airbag device comprising an airbag for being inflated during airbag deployment, and an

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elongate securing member for securing the airbag to the motorcycle and extending centrally in a fore and aft direction along the motorcycle in an area generally between legs of a rider of the motorcycle. Iijima et al and Fujimura disclose the present invention except for the airbag including an accordion-fold portion and a roll-fold portion with the accordion-fold portion being inflated followed by inflation of the roll-fold portion wherein the elongate securing member is secured to the airbag roll-fold portion. Orsulak et al disclose an air bag module 10 in which the airbag 30 includes an accordion-fold portion and a roll-fold portion with the accordion-fold portion being inflated followed by inflation of the roll-fold portion. It would have been obvious to one of ordinary skill in the art at the time of the invention through the teaching of Orsulak et al to have folded the airbag system of Iijima et al and Fujimura into an accordion-fold portion and a roll-fold portion, in which the elongate member 42 of Fujimura would inevitably extend in the interior of the roll-fold portion, in order to facilitate smooth deployment of the airbag 14.

Allowable Subject Matter

10. Claims 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tokita et al (US 2003/0057691 A1) disclose an air bag apparatus for a motor vehicle comprising an air bag and an elongate securing member made of flexible material, the elongate member having a portion extending in the interior portion

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of the airbag and includes a triangular shaped end portion secured to the interior surface of the airbag. Hosono et al (6,007,090) disclose an air bag device for a motorcycle. Yamazaki et al (6,932,379) disclose an air bag system for a scooter type vehicle, the air bag deploying substantially centrally in a fore and aft direction of the vehicle in an area generally between the legs of the rider of the vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TDW


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